



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/660,278

09/10/2003

Yuichi Yagawa

16869B-063900US

5070

20350

7590

03/16/2006

TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER

MOFIZ, APU M

ART UNIT

PAPER NUMBER

2165

DATE MAILED: 03/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/660,278

Applicant(s)

YAGAWA, YUICHI

Examiner

Apu M. Mofiz

Art Unit

2165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-20 and 22-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-20 and 22-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>09/10/03;01/03/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 3 and 4 are objected to because of the following informalities: these claims depend from canceled claim 2. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1,3-20 and 22-47 are rejected under 35 U.S.C. 102(e) as being anticipated by Honma et al., U.S. Patent No. 6,950,871 and hereinafter referred to as Honma.

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

As to claims 1,12,17,27,31,39,42 and 46, Honma teaches a method for collecting data from among a plurality of data sites, each data site having an associated data store, the method comprising: providing each data site with a corresponding extraction routine (i.e., "the computer system in which the SAN is used consists of a main site and a remote site ... FIG. 10 illustrates a system configuration for asynchronous remote copying ... As shown in FIG.11, when loading data between a DB on a main frame (backbone database with high reliability ensured) and a DB on UNIX/NT servers ... intermediate files as a file of the main frame DB are set up, and the data is moved from the backbone DB to the intermediate files once ... Since the data in the intermediate files is converted to such a level that the data loader of a UNIX server can read ... Furthermore, in order that UNIX servers or PC servers can construct a data warehouse easily, by installing in the UNIX servers ... a series of processing from the extracting data from a variety of source DBs such as backbone DB, through converting and consolidating data, up to loading data, the time taken to transfer data can be shortened when constructing a data warehouse." The preceding text excerpts and the corresponding figures clearly indicate that first data from main/source site is extracted. The data is then transformed into second data and the data is then communicated to the remote site/central site to be loaded into the database by using a remote copy routine. This is the fundamental concept of any Data Warehousing application, where data from a plurality of disparate database located in different locations is integrated into a target database. But before the data gets loaded to the target database, data may need to be reformatted/compared against to see which fields need to be updated/loaded. That is why it is even called ETL or extraction, transformation and loading.

Art Unit: 2165

Applicant even acknowledges that in the background section. Any article on Data Ware housing concepts e.g., Oracle 9i Data Warehousing would confirm that. Nothing is done manually on a piece of paper therefore there are routines/ software code for corresponding extraction, transformation, loading or any other related activities. For any communication/software system there has to be a way of acknowledging a completion and the procedure can be verified by consulting any first year programming book. If the data is extracted, the size of the data needs to be known/calculated otherwise it is not possible to keep the data in an interim facility/volume/file. These are all inherent programming implementation details and programming per se are not patentable subject matter.) (col 1, lines 8-17; col 2, lines 50-62; col 5, lines 17-22; col 8, lines 4-26; col 9, lines 45-67; col 10, lines 1-30; col 18, lines 23-35); for each data site, processing data contained in its associated data store in accordance with its corresponding extraction routine to produce first data, the corresponding extraction routine configured to store the first data in a storage location at the data site if the processing produces first data (col 1, lines 8-17; col 2, lines 50-62; col 5, lines 17-22; col 8, lines 4-26; col 9, lines 45-67; col 10, lines 1-30; col 18, lines 23-35); collecting second data from those data sites for which their corresponding extraction routines produced first data, the second data being based on the first data; and loading all of the second data into a database, wherein the step of collecting includes communicating the first data to a central site in accordance with a remote copy operation, receiving at the central site the first data as mirrored data, and transforming the mirrored data to produce the second data, the second data being stored at the central site (col 1, lines 8-17; col 2, lines 50-62; col 5, lines 17-22; col 8, lines 4-26; col 9, lines 45-67; col 10, lines 1-30; col 18, lines 23-35).


As to claims 3-11,13-16,18-20,22-26,28-30,32-38,40-41,43-45 and 47, the limitations of these claims are either rejected or discussed in the rejected claim above.

Points of Contact

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Apu M. Mofiz whose telephone number is (571) 272-4080. The examiner can normally be reached on Monday – Thursday 8:00 A.M. to 4:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached at (571) 272-4146. The fax numbers for the group is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.



Apu M. Mofiz
Primary Patent Examiner
Technology Center 2100

March 13,2006